

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

FILED
DISTRICT COURT
DISTRICT OF MARYLAND
23 MAR -6 P 5:37
CLERK OF COURT
JUDICIAL BRANCH
DISTRICT OF MARYLAND

GLAXO GROUP LTD.
d/b/a GLAXOSMITHKLINE,

Plaintiff,

v.

Civil Action No. AMD 06-469

MICHAEL O. LEAVITT,
in his official capacity as
SECRETARY, DEPARTMENT OF
HEALTH AND HUMAN SERVICES

and

ANDREW C. VON ESCHENBACH, M.D.
in his official capacity as
ACTING COMMISSIONER,
FOOD AND DRUG ADMINISTRATION,

Defendants.

and

ROXANE LABORATORIES,

Defendant-Intervenor.

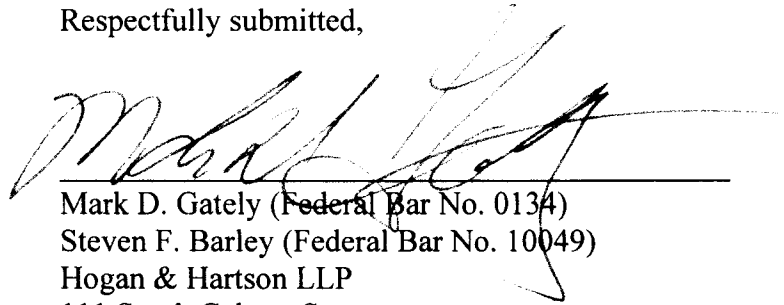
Denied
O'Dee
3/6/06

MOTION FOR INJUNCTION PENDING APPEAL

Pursuant to Fed. R. Civ. P. 62, plaintiff GLAXO GROUP LTD. d/b/a GLAXOSMITHKLINE ("GSK") hereby moves for an injunction pending appeal of FDA's approval of any Abbreviated New Drug Applications (ANDAs) for generic versions of Flonase® Nasal Spray.

A memorandum in support of GSK's motion and a proposed order are attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark D. Gately', is written over a horizontal line.

Mark D. Gately (Federal Bar No. 0134)
Steven F. Barley (Federal Bar No. 10049)
Hogan & Hartson LLP
111 South Calvert Street
Suite 1600
Baltimore, MD 21202
(410) 659-2700

Michael L. Kidney (Federal Bar No. 24450)
Michele W. Sartori (Federal Bar No. 26829)
Hogan & Hartson LLP
555 Thirteenth Street, N.W.
Washington, DC 20004-1109
(202) 637-5600

Attorneys for Plaintiff GlaxoSmithKline

Dated: March 6, 2006